

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12934 of 2021**

Arising Out of PS. Case No.-69 Year-2019 Thana- MANIYARI District- Muzaffarpur

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SUMANGAL KUMAR @ SUMANGAL MAHTO Son of Shivchandra
Mahto Resident of Village- Jamharua, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 09-09-2021 Heard learned counsel for the petitioner and Mr.
Harendra Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Maniyari P.S. Case No. 69 of 2019 registered
for the offences punishable under Section 392 of the Indian
Penal Code. He is in custody since 09.02.2020.

Learned counsel for the petitioner submits that
petitioner is not named in the First Information Report, no Test
Identification Parade has been held so far and there is no
recovery of any looted money from the petitioner.

Learned counsel further submits that the learned
Additional Sessions Judge-III, Muzaffarpur has while rejecting
the prayer for bail of the petitioner committed an error of record
in observing that the recovery has also been made from his

possession. As regards the criminal antecedents, by filing a supplementary affidavit it has been explained that petitioner has got four other cases out of which in three cases he is on bail whereas in the fourth case stated in paragraph 49 of the case diary being Maniyari P.S. Case No. 122/2017 the petitioner is not required to take bail because the case has been lodged against the villager of the petitioner.

In paragraph '5' of the supplementary affidavit it is further stated that in Gaighat P.S. Case No. 91/2020 the petitioner had been granted bail by this Hon'ble Court on 10.08.2021 vide Cr. Misc. No. 14941/2021. It is further submitted that co-accused Suraj Kumar and Manish Kumar have been granted bail by learned court below in BP No.580/2019 and BP No. 1948/2019.

Mr. Harendra Prasad, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, considering the facts and circumstances particularly that no material has been placed before this court in this case to distinguish the case of the petitioner from that of the co-accused who have already been granted bail, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the

like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Maniyari P.S. Case No. 69 of 2019 (G.R. No. 844/19), subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.